

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Stephen Alan Smith, et al.

Application No.: 10/676,807

Confirmation No.: 3085

Filed On: October 1, 2003

For: Ergonomic Disposable Cup Having Improved  
Structural Integrity

Examiner: Stephen J. Castellano

Art Unit: 3781

**TERMINAL DISCLAIMER TRANSMITTAL**

MAIL STOP AMENDMENT

Commissioner for Patents

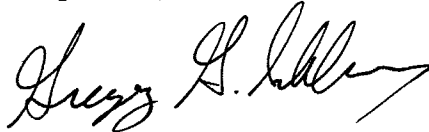
P.O. Box 1450

Alexandria, VA 22313-1450

Applicant submits herewith Form PTO/SB/25, "Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending 'Reference' Application." This Terminal Disclaimer is submitted to replace the Terminal Disclaimer previously filed on January 19, 2009, in light of the filing of a new Power of Attorney. Since the fee for this Terminal Disclaimer has already been paid, no fee is due under 37 C.F.R. 1.20(d) with respect to the submission of this paper.

Nevertheless, should any fees become necessary, please charge such fee to our Deposit Account No. 19-0733.

Respectfully submitted,



Gregory G. Schlenz, Reg. No. 55,597  
Banner & Witcoff, Ltd.  
Ten South Wacker Drive, Suite 3000  
Chicago, Illinois 60606  
312-463-5000

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
**503177.00387**In re Application of: **Stephen Alan Smith**Application No.: **10/676,807**Filed: **October 1, 2003**For: **Ergonomic Disposable Cup Having Improved Structural Integrity**

The owner\*, Solo Cup Company, a corporation, of 100%  
percent interest in the instant application hereby disclaims,  
except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond  
the expiration date of the full statutory term of any patent granted on pending reference Application Number 11/101,932, filed  
on April 8, 2005, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference  
application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner  
hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent  
granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is  
binding upon the grantee, its successors or assigns.

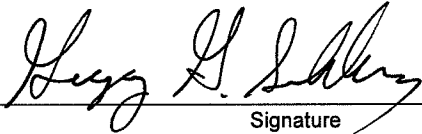
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would  
extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference  
application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the  
grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application:  
expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed  
in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner  
terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency,  
etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and  
belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so  
made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false  
statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 55597



Signature

February 24, 2009

Date

Gregory G. Schlenz

Typed or printed name

(312)463-5000

Telephone Number

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not  
be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO  
to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete,  
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on  
the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and  
Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS  
ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.